

Application/Control Number: 09/904,965
Art Unit: 3627

Page 7

been obvious to one of ordinary skill in the art to modify the method of Udenhoven by comparing the PNR data with the user profile data in determining the fee in order to provide for different fees for different customers (for instance smaller fees for large volume corporate customers).

Response to Arguments

Applicant's arguments filed 8/25/2005 have been fully considered but they are not persuasive.

Regarding the 102 arguments, applicant argues that "determining said fee based upon a Passenger Name Record" is not shown. However, claim 3 recites determining the fee in reference to "Passenger Name Record data", not in reference to a PNR, itself. As interpreted by the examiner, this means determining the fee is based on at least some data which is in the PNR, and without necessarily directly referencing the PNR. For instance, in determining the fee, the identity of the person at least must be used to reference the correct user profile in order to choose the correct payment method.

Regarding a direct reference to a PNR, please see Fig. 6S.

It is noted that amending the claim to recite that a PNR is referred to, (as opposed to that the fee is based on data in a PNR), it would define over the cited art.

Regarding the user profile, it is noted that it is necessary to refer the profile in order to determine the appropriate account number for the fee.

Regarding the 103 rejection of claims 2, 5, 6, and 10, it is noted that the reference to Expedia is exemplary and not limiting. It is noted that Expedia sends an

Application/Control Number: 09/904,965
Art Unit: 3627

Page 8

email invoice showing the fee charged as a line item. To the best of the examiner's knowledge, the resulting credit card statement does not list them separately.

Applicant argues that Udelhoven teaches away from providing reconciliation of charges. The examiner respectfully disagrees. While Udelhoven teaches that charges can be split between payment methods, the method of Udelhoven is not limited to that embodiment.

Regarding the statements that certain subject matter is "old and well known" (throughout the claims), it is noted that the MPEP 2144.03(c) requires the Applicant to adequately traverse the assertion that the subject matter is old and well known in the subsequent response. The examiner notes that the subsequent response does not provide an adequate traverse because MPEP 2144.03(c) requires that the applicant state why the state facts are not considered to be old and well known, and the subsequent response does not contain this statement. As required by the MPEP 2144.03(c), since the traversal was fully adequate the well-known in the art statement is taken to be admitted prior.

Regarding claims 17-22, reference is made to the comments above regarding claim 3. It is noted that "determining the fee" in the 102 rejection of claim 17 is not interpreted as limited to determining the amount of the fee, but also who and what account should be charged.

Conclusion

Application/Control Number: 09/904,965
Art Unit: 3627

Page 9

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (571) 272-6785. The examiner can normally be reached on M-Th 8-6:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 09/904,965
Art Unit: 3627

Page 10

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Steven B. McAllister
Primary Examiner
Art Unit 3627


Steven B. McAllister

STEVE B. MCALLISTER
PRIMARY EXAMINER